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Attorneys for Defendant  
CHINA & ASIA TRAVEL SERVICE, INC.,  
D/B/A CHINA INTERNATIONAL TRAVEL SERVICE (USA)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

CHINA INTL TRAVEL SERVICES (USA),  
INC.,

Plaintiff,

v.

CHINA & ASIA TRAVEL SERVICE, INC.,  
D/B/A CHINA INTERNATIONAL TRAVEL  
SERVICE (USA), and DOES 1-10, inclusive,

Defendants.

CASE NO. 08-CV-01293 JSW

**NOTICE OF NEED FOR ADR  
TELEPHONE CONFERENCE**

The parties either:

- ☒ have not yet reached an agreement to an ADR process, or  
☐ request a settlement conference before a magistrate judge.

1 The Case Management Conference in this action is set for August 29, 2008.

2 Defendant has always been and remains open to ADR in this action. Defendant, however,  
3 would like to apprise the ADR Unit of the following facts, which have hindered or prevented  
4 Defendant from reaching any agreement with Plaintiff regarding ADR in this action:

5 1. Notwithstanding representations made in a filing by Plaintiff and Plaintiff's former  
6 counsel in this action (Docket No. 18), it is Defendant's understanding that Plaintiff is not presently  
7 represented by counsel in this action, and that the gentleman substituted in as "counsel" in Docket  
8 No. 18 is not an attorney. Plaintiff is apparently now proceeding *pro se*.

9 2. Plaintiff has not filed an opposition to Docket No. 5, Defendant's Motion to Dismiss or,  
10 in the Alternative, for Summary Judgment on All Counts of Plaintiff's Complaint. Any such  
11 opposition was due on July 7, 2008, pursuant to Court Order (Docket No. 22). Defendant believes  
12 that its motion should be granted in all respects.

13 3. Plaintiff has not filed a reply to Defendant's counterclaims (Docket No. 8). Plaintiff is  
14 in default.

15 Defendant will file a case management conference statement addressing these and other  
16 issues on Friday, August 22, 2008, in advance of the Case Management Conference scheduled for  
17 August 29, 2008, but would welcome any further opportunities to apprise the ADR Unit regarding  
18 the unusual procedural posture of this action.

19 The following counsel will participate in the ADR phone conference:

<i>Name</i>	<i>Party Representing</i>	<i>Phone No.</i>	<i><u>email.</u></i>
20 Robert McCauley	21 CHINA & ASIA 22 TRAVEL SERVICE, 23 INC., D/B/A CHINA 24 INTERNATIONAL 25 TRAVEL SERVICE 26 (USA)	650-849-6673	robert.mccauley@finnegan.com

*Civil Local Rule 16-8 and ADR Local Rule 3-5 require that lead trial counsel participate in a telephone conference with a member of the ADR legal staff before the case management conference. The ADR Unit ([adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov)) will notify you of the date and time for your telephone conference.*

DATED: August 21, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

By /s/ Robert McCauley

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